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## FACSIMILE TRANSMISSION

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Total # of Pages 7 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Examiner: Johannsen, Diana B. Art Unit: 1634		571-273-8300

From : Barry S. Wilson  
Email Address : bwilson@foley.com  
Sender's Direct Dial : 858.847.6722  
Date : May 9, 2006  
Client/Matter No : 034827-1303  
User ID No : 3067

U.S. Serial Number: 10/615,497  
Our Docket Number: 034827-1303

### MESSAGE:

Please find enclosed:

Transmittal (2 pages);  
Response to Restriction (3 pages);  
Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not received all of the pages, please call 571-273-8300.

Operator:	Time Sent:	Return Original To: Vanessa E. Agha
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Atty. Dkt. No. 034827-1303

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Huang

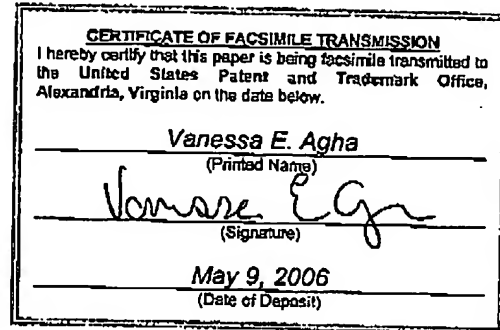
Title: HIGH THROUGHPUT  
CYTOCHROME P450  
GENOTYPING

Appl. No.: 10/615,497

Filing Date: 7/7/2003

Examiner: Johannsen, Diana B.

Art Unit: 1634

**TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find:

- ☒ Response to Restriction Requirement (3 pages).
- ☒ Credit Card Form (1 page).
- ☒ The fee required for additional claims is calculated below:

	Claims		Previously Paid For	Extra Claims		Rate	Additional Claims Fee
	As Amended			Present			
Total Claims:	-	=	0	x	\$50.00	=	\$0.00
Independent Claims:	-	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims: +							\$360.00 =
							\$0.00
CLAIMS FEE TOTAL							= \$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

05/10/2006 MBINAS 00000042 10615497

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Atty. Dkt. No. 034827-1303

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
<input type="checkbox"/> Information Disclosure Statement	\$180.00	\$0.00
TOTAL FILING FEE		\$120.00
Small Entity Fees Apply (subtract 1/2 of above):		0.00
TOTAL FEE:		\$120.00

A credit card payment form in the amount of \$120.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 50-0872.

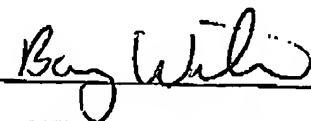
Respectfully submitted,

Date

05/09/2006

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By

  
Richard Warburg, Reg. No. 32,327  
By Barry S. Wilson, Reg. No. 39,431  
Attorney for Applicant

Atty. Dkt. No. 034827-1303

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Huang  
Title: HIGH THROUGHPUT  
CYTOCHROME P450  
GENOTYPING  
Appl. No.: 10/615,497  
Filing Date: 7/7/2003  
Examiner: Johanssen, Diana B.  
Art Unit: 1634

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Vanessa E. Agha (Printed Name)  <i>Vanessa E. Agha</i> (Signature)  May 9, 2006 (Date of Deposit)
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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respond herein to the restriction requirement set forth in the Office Action mailed March 27, 2006. The claims have been restricted into 6 groups. Applicants provisionally elect Group I, Claims 1-32 and 36-45, which according to the Examiner is "drawn to methods of identifying polymorphisms."

Applicants are further required to elect a single polymorphism or combination of polymorphisms as well as the primer(s) and phenotype(s) associated with the polymorphism or combination of polymorphisms. Applicants respond to the election of species as follows:

**Polymorphisms election:** CYP2D6\*4, CYP2D6\*5 and CYP2D6\*Nx2.

**Corresponding Extension primers:** SEQ ID NO: 9, SEQ ID NO: 14, and SEQ ID NO: 11;

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**Corresponding Phenotypes:** a reduced rate or degree of metabolism of one or more xenobiotics or endobiotics (CYP2D6\*4 and CYP2D6\*5), and an increased rate or degree of metabolism of one or more xenobiotics or endobiotics (CYP2D6\*Nx2).

Applicants point out that claims 1-32, 36-42 and 44 of Group I are readable on the elected species. The only claim not readable is claim 43.

Applicants have responded to the species election by electing a very limited group of polymorphisms with the corresponding primers and phenotypes. Should no invalidating prior art be found, the Examiner is required to expand the search to the other species. Nevertheless, Applicants respectfully traverse the election of species requirement to the extent that it attempts to divide the invention along the lines of the different polymorphisms identified by the method. This attempt to divide on the basis of structural differences is not an appropriate basis for a species election in the present case, which provides unity of invention on the basis of a single method that can detect these different structural polymorphisms. Accordingly, the Examiner is requested to examine all possible species of Group I.

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 034827-1303

Respectfully submitted,

Date 05/09/2006

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By Barry Wilson

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